

REMARKS

This is a full and timely response to the final Office Action of September 6, 2002. Reexamination, reconsideration, and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this Second Response, claims 1-3 and 5-35 are pending in this application. Claims 1-3 and 5-31 are allowed, and claims 12-14, 18, and 32-34 are directly amended herein. It is believed that the foregoing amendments add no new matter to the present application.

Furthermore, it is believed that the amendments of claims 12-14 and 18 place these claims in a better form for issuance, and it is further believed that the amendments of claims 12-14 and 18 do not affect the scope nor the allowability of such claims. In addition, according to the outstanding Office Action, claims 32-34 are rejected in view of a newly cited reference.

Applicant asserts that an opportunity to respond to the rejections of claims 32-34 in view of the newly cited reference has not previously been afforded to Applicant, and it is believed that the amendments of claims 32-34 place these claims in a condition for allowance. Accordingly, entry of the amendments of claims 12-14, 18, and 32-34 is respectfully requested pursuant to 37 C.F.R. §1.116.

Response to §102 Rejections

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See, e.g., *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

Claim 32

Claim 32 presently stands rejected under 35 U.S.C. §102 as allegedly anticipated by *March* (U.S. Patent No. 3,958,560). Claim 32, as amended, reads as follows:

32. (Once Amended) A system for controlling electronic devices based on physiological responses, comprising;
a contact lens;
a photodetector coupled to said contact lens, said photodetector configured to detect, based on light reflected off of an eye of a user, a physiological response of said user and to transmit, in response to a detection of said physiological response, a signal indicative of said physiological response; and
a controller configured to receive said signal and to control an electronic device based on said signal. (Emphasis added).

Applicant respectfully asserts that *March* fails to disclose at least the features of claim 32 highlighted hereinabove. Therefore, *March* is inadequate for rejecting pending claim 32 under 35 U.S.C. §102.

In this regard, *March* discloses an infrared source 16 and detector 18 that are coupled to a contact lens 13 being worn by a patient. See FIG. 1. The infrared source 16 emits infrared radiation that is received by the detector 18, and it appears that the amount of radiation received by the detector 18 is indicative of the amount of glucose in the patient's blood. See col. 2, lines 31-37, and FIG.1. However, it appears that the received radiation is passed through the patient's eyeball and, more particularly, is not reflected off of the user's eyeball or other portion of the user's eye. See col. 2, lines 25-34, and FIGS. 1 and 2, noting that the path of the received radiation is apparently indicated by reference numeral 17. Accordingly, *March* fails to disclose at least a "photodetector" that is "coupled to a contact lens" and that is configured to detect a "physiological response" of a user "*based on light reflected off of an eye*" of the user, as described by pending claim 32. (Emphasis added).

For at least the foregoing reasons, Applicant respectfully asserts that the rejection of claim 32, as amended, is improper and should be withdrawn.

Claim 33

Claim 33 presently stands rejected in the Office Action under 35 U.S.C. §102 as allegedly anticipated by *March*. Applicant submits that the pending dependent claim 33 contains all features of its respective independent claim 32. Since claim 32 should be allowed, as argued hereinabove, pending dependent claim 33 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 34

Claim 34 presently stands rejected under 35 U.S.C. §102 as allegedly anticipated by *March*. Claim 34, as amended, reads as follows:

34. (Once Amended) A method for controlling electronic devices based on physiological responses, comprising the steps of:

receiving, via a photodetector coupled to a contact lens, light reflected off of an eye of a user wearing said contact lens;

detecting a physiological response of said user based on said light; and
automatically controlling an electronic device based on said detecting step. (Emphasis added).

For at least the reasons set forth hereinabove in the arguments for allowance of claim 32, Applicant submits that *March* fails to disclose at least the features of claim 34 highlighted hereinabove. Thus, *March* is inadequate for rejecting claim 34 under 35 U.S.C. §102, and the rejection of claim 34 should, therefore, be withdrawn.

Claim 35

Claim 35 presently stands rejected in the Office Action under 35 U.S.C. §102 as allegedly anticipated by *March*. Applicant submits that the pending dependent claim 35 contains all features of its respective independent claim 34. Since claim 34 should be allowed, as argued hereinabove, pending dependent claim 35 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted ,

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ANNOTATED VERSION OF MODIFIED CLAIMS

TO SHOW CHANGES MADE

The following is a marked up version of the amended claims, wherein brackets denote deletions and underlining denotes additions.

12. (Twice Amended) A system for controlling electronic devices based on physiological responses, comprising:

a contact lens;

a plurality of sensors coupled to said contact lens, said sensors configured to detect a plurality of different involuntary physiological responses of [said] a user and to transmit, in response to detections of said physiological responses, signals indicative of said physiological responses; and

a controller configured to receive said signals and to trigger an electronic device to perform a particular task based on whether each of said plurality of detected physiological responses occurs during a specified time period.

13. (Twice Amended) A system for controlling cameras based on physiological responses, comprising:

a contact lens;

a sensor coupled to said contact lens, said sensor configured to detect a physiological response of [said] a user and to transmit, in response to a detection of said physiological response, a signal indicative of said physiological response; and

a controller configured to receive said signal and to control a camera based on said signal.

14. (Twice Amended) A system for controlling electronic devices based on physiological responses, comprising:

- a contact lens;
- a sensor coupled to said contact lens, said sensor configured to detect a physiological response of [said] a user and to transmit, in response to a detection of said physiological response, a signal indicative of said physiological response; and
- a controller configured to receive said signal and to control an electronic device based on said signal,

wherein said sensor comprises a switch that is positioned within a path of movement of an eyelid of said user, said switch activated when said user blinks said eyelid.

18. (Twice Amended) A method for controlling electronic devices based on physiological responses, comprising the steps of:

- positioning a plurality of sensors adjacent to an eye of a user;
- detecting, via said sensors, a plurality of different involuntary physiological responses of said user;
- determining a value indicative of an excitement level of said user based on each of said different involuntary responses detected via said detecting step[,]; and
- automatically controlling an electronic device based on said value determined in said determining step.

32. (Once Amended) A system for controlling electronic devices based on physiological responses, comprising;

a contact lens;

a photodetector coupled to said contact lens, said photodetector configured to detect, based on light reflected off of an eye of a user, a physiological response of said user and to transmit, in response to a detection of said physiological response, a signal indicative of said physiological response; and

a controller configured to receive said signal and to control an electronic device based on said signal.

33. (Once Amended) The system of claim 32, further comprising a photoemitter coupled to said contact lens, said photoemitter configured to emit said light toward [an] said eye of said user[, wherein said photodector is configured to detect said physiological response based on said light].

34. (Once Amended) A method for controlling electronic devices based on physiological responses, comprising the steps of:

receiving, [light] via a photodetector coupled to a contact lens, light reflected off of an eye of a user wearing said contact lens;

detecting a physiological response of [a] said user [wearing said contact lens] based on said light; and

automatically controlling an electronic device based on said detecting step.